

## **CHAPTER 10    MIXED USE DIPLOMATIC DISTRICT**

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### **1000    GENERAL PROVISIONS**

- 1000.1**    The Mixed Use Diplomatic (D) district is established to implement the Foreign Missions Act (Title 2, Public Law 97-241, 96 Stat. 283, August 24, 1982).
- 1000.2**    The Mixed Use Diplomatic (D) district shall be mapped at suitable locations in implementation of the Foreign Missions Act and the Foreign Missions and International Agencies element of the Comprehensive Plan for the national capital.
- 1000.3**    The D district is an overlay district and shall be mapped in combination with another district and not instead of the underlying district.
- 1000.4**    All uses, buildings, and structures permitted in accordance with this chapter, and the appropriate regulations of the underlying district with which the mapped D district is combined, shall be permitted in the combined districts.
- 1000.5**    All restrictions and prohibitions provided with respect to either of the districts combined in accordance with this chapter shall also apply, except as specifically modified by this chapter.
- 1000.6**    The criteria and procedures set forth in this chapter shall also apply to chancery uses in R-5-D, R-5-E, and SP districts.

### **1001    CHANCERY USE CRITERIA**

- 1001.1**    A chancery shall be a permitted use in a Mixed Use Diplomatic (D) district, subject to disapproval by the Board of Zoning Adjustment (the "Board"), based on the criteria set forth in this section.

- 1001.2** The Board shall consider the international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the nation's capital.
- 1001.3 The Board shall consider historic preservation, as determined by the Board in carrying out this section.
- 1001.4 To ensure compatibility with historic landmarks and historic districts, substantial compliance with District and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.
- 1001.5 The Board shall consider the adequacy of off-street or other parking, and the extent to which the area will be served by public transportation to reduce parking requirements, subject to any special security requirements that may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.
- 1001.6 The Board shall consider the extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.
- 1001.7 The Board shall consider the municipal interest, as determined by the Mayor.
- 1001.8** The Board shall consider the federal interest, as determined by the Secretary of State.

**1002 BOARD OF ZONING ADJUSTMENT REVIEW**

- 1002.1** To locate, replace, or expand a chancery in R-5-D, R-5-E, SP, or D districts, or to reconstruct an existing chancery that is destroyed in an R-1, R-2, R-3, R-4, R-5-A, R-5-B, or R-5-C district, application shall be made to the Board of Zoning Adjustment.
- 1002.2 The application submitted in accordance with §1002.1 shall be reviewed by the Board in accordance with this section and with the applicable requirements of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment.
- 1002.3 The consideration of an application submitted under this section shall be considered a rulemaking proceeding.
- 1002.4 Any determination by the Board shall be based solely on the criteria set forth in §1001.
- 1002.5 The Board shall refer each application to the Mayor for review and comment. The Board shall specifically request a determination by the Mayor as to the municipal interest, as set forth in §1001.7.

- 1002.6 The Board shall refer each application to the Secretary of State for review and comment. The Board shall specifically request a determination by the Secretary of State as to the federal interest, as set forth in §1001.8; special security requirements, as set forth in §1001.5; and the extent to which the area is capable of being adequately protected, as set forth in §1001.6.
- 1002.7 When a chancery is located in an historic district or historic landmark, and the use requires review and processing of new construction, demolition, or alteration pursuant to the Historic District and Historic Landmark Protection Act of 1978, D.C. Law 2-144 (D.C. Code §§1001 et seq.), the application shall be referred to the Historic Preservation Review Board, or the Commission of Fine Arts if required by D.C. Law 2-144, for report and recommendation to the Board of Zoning Adjustment.
- 1002.8 The final determination as to substantial compliance with D.C. Law 2-144 and federal regulations governing historic preservation shall be made by the Board of Zoning Adjustment.
- 1002.9 To facilitate the review required under this section, the applicant shall submit plans sufficiently detailed for the review of any proposed new construction, demolition, or alteration.
- 1002.10 A final determination concerning the location, replacement, or expansion of a chancery shall be made not later than six (6) months after the date of the filing of an application with respect to that location, replacement, or expansion.

## **1099 DEFINITIONS**

- 1099.1 The provisions of §199 of chapter 1 of this title, and the definitions set forth in that section, shall be incorporated by reference in this section.